

**Town of Bayside
Regular Council Meeting Minutes
November 12, 2024**

1. Call to Order

Mayor Scott called the meeting to order at 6:30 p.m. followed by a Silent Invocation and the Pledge of Allegiance.

2. Roll Call

Mayor Sharon Scott, Mayor Pro Tem David Vega and Councilmembers Place II Charmaine Briseno, Place III Donna Easton, Place IV Daniel Molina, and Place V Van Williams were present.

3. Presentation on mural for restroom at Driscoll Rooke Covenant Park

Julie Delaney gave an update on the mural for the South side of the restroom. The volunteer artist will be working on the mural from November 2024 to March 2025. The restroom needs to be pressure washed, and the metal grant sign needs to be relocated. They will be priming it with a white base color and the artist will do the rest. She plans to work on it two days a week. If you want to volunteer, contact Ms. Delaney. Troy Campbell has scaffolding they can use. The Bayside foundation is paying for the paint.

4. Items by Citizens

Lilly Gasca thanked the Council and staff for their years of service. She told the Council about a white at large dog that had been run over. She explained there is a lot of dumping of animals at the corner of Fourth and Mitchell. She also explained she had five stray cats in her yard, and there are two black dogs she feels sorry for. She asked Council to contact the owners to see if the two dogs can be adopted out.

Tim Delaney complimented Charles on his working. Mr. Delaney informed Council 38A has not been repealed or voted away. He read from the ordinance and professed it still stands and that you can't create an ordinance in conflict with it. If you do it's illegal.

5. Water Department Report and Comments from Water Operator

Mike Brown informed everyone he asked if he could present the report for the month of October. We pulled 1,008,400 gallons and averaged 26,438 of treated water. We started using a new lab this month. They were good samples. Jeff Bernsen asked where he pulls them from. Mike informed him he has five different locations that he uses, and he rotates them. The RO performed well. We have a pump in the RO that Alan Murphy is supposed to be back very soon to complete the work on. Mr. Bernsen asked Mike if we have any pending TCEQ violations. Mike informed him. Not until October 19th, and we had four members of the Planning Commission tour the RO, and he answered 200 questions from them. They all shook his hand when they left. The following Wednesday he got a call from TCEQ asking him where he was. He was visiting his 91-year-old parents. The woman from TCEQ told him there was a complaint of low water pressure, and she had checked the town from one end to the other, and it was fine. He had to meet with her that Friday and came out of it with eleven different requests that didn't come from TCEQ. They came from the complaint. He had just shown the lady this stuff a few months ago when TCEQ was here for the yearly inspection. There were

no violations. A lady from the audience informed him. I think the Planning and Zoning Committee called on you. Councilmember Easton added. It created a lot of work. I'd like to know who made the complaint. Mike responded. I know but I'm not saying. They come yearly and do an audit of records. It was totally uncalled for and a financial burden. We have got to take a class online for RO certification. I've been an operator for 14 years and never heard of this. Our last inspection was in January or February. It's going to cost us \$2,000. The classes are \$300 apiece. He sent in what he could. Councilmember Easton asked. When did the RO certification start? He responded. I've never heard of it. It really ticks me off. I have a water and sewer licenses. They saw them on the wall. We get audited every year, and no one ever asks for it. The class is a 12-hour online class, and you have to do it when it is offered. You don't go calling TCEQ with a fictitious complaint. What is more important is learning to get along and being civil. They are elected officials. You elected them. They volunteer their time doing the best they can with what they have. Councilmember Easton asked what the council could do to help. Mike responded. Just understand. He summoned it up. Instead of complaining bring a potential solution.

6. Discuss/Consider/Act on approving minutes from the two Public Hearings on October 8, 2024, the Special Meeting on October 15, 2024 and the Workshop on October 21, 2024

Mayor Scott read the agenda item. Councilmember Williams made a motion to approve. Councilmember Briseno seconded the motion. The motion carried unanimously.

7. Discuss/Consider/Act on approving paying new expenses/bills

Mayor Scott read the agenda item. Someone asked if the tractor was actually fixed now. Councilmember Williams explained we are looking at alternatives now. He made a motion to approve the unpaid bills. Councilmember Easton seconded the motion. The motion carried unanimously.

8. Discuss/Consider/Act on approving building permits, culvert permits, and permit extensions

Mayor Scott read the agenda item. The first permit was for an 8x12 storage shed at 734 First Street. The setbacks need to be checked. Councilmember Williams made a motion to approve pending setbacks being checked. Councilmember Briseno seconded the motion. The motion carried unanimously.

The second permit was for a 288 square foot storage shed. The setbacks have been checked. Councilmember Williams made a motion to approve. Councilmember Briseno seconded the motion. The motion carried unanimously.

The last permit was for 526 First Street. It is a brand-new permit because the first permit and both extensions have been used. Councilmember Williams made a motion to approve. Councilmember Molina seconded the motion. The motion carried unanimously.

9. Discuss/Consider/Act on request from the Park, Pier, & Recreation Committee to hold movie nights, BINGO nights and Christmas in Bayside

Mayor Scott read the agenda item. Barbara Gray informed Council they are going to change it a little. They are planning on having a pot luck bingo. There will be no money involved. We will have candy and popcorn prizes. Councilmember Williams made a motion to approve this and told her to get with the office and get it scheduled. Barbara Gray said they need to know what the budget is. Councilmember Williams told her as of August there is \$2,100 in that

fund. The General Fund is for maintenance on the park and pier. The donation fund is the volunteer donation fund. Councilmember Easton seconded the motion. The motion carried unanimously. Councilmember Briseno informed everyone that Christmas in Bayside is for adults as well.

10. Discuss/Consider/Act on the following item received from the Planning, Zoning and Substandard Commission

A. On the proposed new Bayside RV Ordinance

Mayor Scott read the agenda item. After a discussion on the proposed ordinance and several motions being made, Councilmember Williams motioned to have a workshop in January. Councilmember Molina seconded the motion. The motion carried unanimously.

11. Discuss/Consider/Act on proposed Ordinance 72C Amendment B Manufactured Housing

Mayor Scott read the agenda item. Councilmember Williams questioned the timing on the response. He felt like he had been blindsided with it. Councilmember Briseno gave Troy Campbell, the Planning Commission Chairman, copies of the email from Hal George, our Town Attorney, for the rest of the Planning Commission members who were also present – Jeff Bernsen, Lori Bellows, Ken Dahl, and Kathleen Dunlap. Councilmember Easton read the three questions and Mr. George's answers. She also informed everyone there is a legal Q&A that most of the people in the room because she sent to them a while back. Texas Occ Code 201.003 says you can't ban them. Councilmember Williams responded. There is also some stuff from TML that you can handle via zoning, and Hal said we could. He also informed Mr. Delaney that Ordinance 72C Section 2 resends 38 and 38A. He retorted if it says it, I'll lay down. Councilmember Williams showed it to him. Mr. Delaney forcefully informed Council that the Council doesn't rule the people. The people rule the Council. There was then a discussion on how are you going to zone it in a town this size, lots being for sale all over town, and how do we make it fair for all property owners. Troy Campbell informed Council the Planning and Zoning committee meets to plan for the future. Part of planning for the future is zoning. We are tasked with helping to improve the community. He also talked about zoning in Rockport and doing it through zoning, if we want to invest the time in effort to do that. Discussion continued on the 5% falling under the ban. Ken Dahl input. You can't do it by the entire town. Discussion continued on wanting it to be fair, how do we go about it, amending the zoning, variances, what the State of Texas says, and the attorney saying the percentage in our ordinance is illegal. Councilmember Briseno motioned to accept Amendment B to Ordinance 72C. Lori Bellows asked. Why would GrantWorks put it in the plan if it was illegal. Councilmember Williams responded. The percentage was put in place in 2021. There was further discussion on the amendment in place right now, what are the ramifications of changing it, and there being no zoning to prevent them. Susan Campbell informed the Council. You don't remove something if you're not being sued. After more discussion, Councilmember Briseno repeated her motion to adopt Ordinance 72C Amendment B. Jeff Berson asked if someone could bring one in tomorrow. Councilmember Briseno responded. It still has to go through the process. Mr. Bernsen responded. So, you want to open it up to bring them in by trainloads. After more discussion, Mayor Scott asked

for a second. Councilmember Vega seconded the motion. Councilmember Willimas was opposed. The motion carried.

12. Discuss/Consider/Act on advertising to hire a part-time office employee

Mayor Scott read the agenda item. Council was provided with a proposed ad. After a short discussion, Councilmember Easton made a motion to advertise for a part-time office employee with a deadline for resumes of December 23, 2024. Councilmember Briseno seconded the motion. The motion carried unanimously.

13. Discuss/Consider/Act on purchase of a new motor and VFD backup for the RO system

Mayor Scott read the agenda item. Councilmember Williams explained this is a backup to bring raw water into the raw water storage tank. It is expensive but we have to have one. We really need the motor and the pump as backups. After discussion on the bids and what is needed, Councilmember Williams made a motion to purchase the pump and motor – the whole assembly – not to exceed more than \$19,000.00. Councilmember Easton seconded the motion. The motion carried unanimously.

14. Discuss/Consider/Act on audit services proposal from Ernest R Garza, CPA

Mayor Scott read the agenda item. There was a discussion on putting this off and looking for someone else because there is stuff they should have caught and didn't. Councilmember Williams made a motion to take no action at this time and call some other cities to see who some of the other cities use. Councilmember Molina seconded the motion. The motion carried unanimously.

15. Discuss/Consider/Act on approving the Covered Applications and Prohibited Technology Policy


Mayor Scott read the agenda item. Councilmember Williams motioned to approve the Covered Applications and Prohibited Technology Policy. The city secretary explained the items that were added to the policy where the Town had to make the policy the Town's policy. Councilmember Briseno seconded the motion. The motion carried unanimously.

16. Adjournment

Councilmember Briseno motioned to adjourn. Councilmember Easton seconded the motion. The motion carried unanimously.

The meeting adjourned at 8:18 p.m.

Respectfully submitted,


Connie Cramer, City Secretary